

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

STEVEN G. MILLETT, MELODY J. MILLETT,
On Behalf of Themselves and All Others
Similarly Situated,

Plaintiffs,

v.

TRUELINK, INC.,
A Trans Union Company,

Defendant.

Case No. 05-599-SLR

MOTION AND MEMORANDUM FOR COURT ORDER

Plaintiffs Steven and Melody Millett, by and through counsel of record, file this motion for an Order from the Court directing TransUnion, LLC, the parent company of Defendant TrueLink, Inc. (now doing business as “TransLink, Inc.”) provide the Plaintiffs with any credit information in TransUnion LLC’s data bases which contains or references personal identification information pertaining to Steven Millett. In support thereof, Plaintiffs state as follows:

1. Defendant TrueLink is owned by TransUnion, LLC. TransUnion, LLC is a credit reporting agency which maintains or maintained credit information and other information, information reflecting and maintained by associating that information with the Social Security number or other identification information of Plaintiff Steven Millett. (See Exhibit A attached)
2. Plaintiffs require this information in order to close any credit files or correct other information which was, or is, utilized to fraudulently obtain credit or to secure employment or services by utilizing the Social Security number or other identification information of Plaintiff Steven G. Millett.

3. Plaintiff Steven Millett was issued a Social Security number by the Social Security Administration.
4. Plaintiff Steven Millett is filing, for inspection in camera by the Court, an affidavit, under seal, which sets out his Social Security number and provides a form of photographic identification (hereinafter Steven Millett Affidavit). This information is being provided to the Court for in camera review in order to protect the private information of Steven Millett pursuant to local rules and policies.
5. Plaintiff Steven Millett is the known victim of identity theft. (See Exhibit A attached) The information about the known use of his Social Security number and other identification information is necessary so that all credit accounts opened with his personal identification information can be closed and so that all employment information pertaining to the Social Security and all earnings reported with the Social Security number of Steven Millett can be identified.
6. TransUnion, LLC maintains a file or files for Steven Millett which contains information which is not reflected on a consumer information statement or consumer report, as those terms are defined in the Fair Credit Reporting Act. (See Exhibit A attached)
7. TransUnion, LLC maintains a credit file for at least one known identity thief, one Abundio Cuautle Perez (a/k/a [add new alias]) and that file or files contains the personal identification information of Steven Millett. (See Exhibit A attached)
8. TransUnion, LLC previously notified Plaintiff Steven Millett that it would continue to maintain information which reflected or referenced his Social

Security number whether or not the credit information maintained was actually correctly attributable to Mr. Millett. (See Exhibit A attached)

Argument

This Court has authority to enter such an Order pursuant to 15 U.S.C. §1681a and 15 U.S.C. § 1681b. *See also, In re Grand Jury Proceedings*, 503 F.Supp. 9, 12 (D.C.N.J., 1980). “The production of credit reports pursuant to court order was obviously listed as permitted conduct because such material may be relevant evidence in all manner of court proceedings. Congress had no intention to invade the judicial sphere. It is of some significance that the other permitted uses listed by [Section] 1681b are all related to the normal and ordinary uses for which credit reports are prepared. The judicial use may be for entirely different purposes, and more likely is for different purposes.” *Id.* This Court may order the disclosure of such credit information pursuant to these federal statutes. *Id.*

At least one other federal court has ordered the disclosure of such information which was maintained by another credit reporting agency. Order dated February 21, 2007, The Honorable Timothy C. Batten, Sr., *Millett v. Equifax*, N.D.Ga. Case No. 1:05-CV-2122-TCB. In that instance, as well as in this matter, disclosure is necessary in order to serve the letter and spirit of the Fair Credit Reporting Act, as amended by The Fair and Accurate Credit Transactions Act of 2003.

Conclusion

Wherefore, Plaintiffs request an Order from the Court directing TransUnion, LLC provide the information set forth in this Motion, including but not limited to, the entire

credit file of Steven Millett and Abundio Cuautle Perez (“Perez”) as well as any aliases known to be utilized or attributed to Perez.

DATED: July 27, 2007

Respectfully submitted,

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COUNSEL FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Christopher J. Curtin, Esq., hereby certify that on July 27, 2007, I served an original and copy of the foregoing Motion for Court Order, as well as a proposed Order, by depositing the same in the United States Mail, postage prepaid to:

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and that I served a copy electronically this day to the following:

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ORDER GRANTING PLAINTIFFS' MOTION FOR COURT ORDER

Pursuant to 15 U.S.C. §1681a and 15 U.S.C. § 1681b, this Court grants Plaintiffs' motion for an Order directing TransUnion, LLC, the parent company of Defendant TrueLink, Inc. (now doing business as "TransLink, Inc.") to provide the Plaintiffs with any credit information in TransUnion LLC's data bases which reflects a Social Security number that is the same number as the number Steven Millett identified in the affidavit filed with this Court under seal.

Date:

The Honorable Sue Robinson